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06-22-2004

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Director of Labor and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSH 2003-20
DIRECTOR, DEPARTMENT OF LABOR	)	(Inspection No. 306261124)
AND INDUSTRIAL RELATIONS,	)	
	)	
Complainant,	)	STIPULATION AND SETTLEMENT
	)	AGREEMENT; EXHIBIT A; APPROVAL
vs.	)	AND ORDER
	)	
DTB CONSTRUCTION CONSULTANTS,	)	
INC.,	)	
	)	
Respondent.	)	

**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant Nelson B. Befitel, Director of Labor and Industrial Relations

("Director") and Respondent DTB Construction Consultants, Inc. ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about June 28, 2003, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located

at Waikoloa Colony Villas, Waikoloa, Hawaii 96738.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on August 31, 2003 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$625.00. *See* Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at Waikoloa Colony Villas, Waikoloa, Hawaii 96738.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirement of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent agrees that it has abated each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22.
5. Each of the violations as stated in the Citation is deleted. *See* Exhibit A.
6. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).
7. Respondent shall continue to comply with HRS chapter 396, the Hawaii

Occupational Safety and Health Law, and the related rules.

8. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.


9. By entering into this Agreement, Respondent does not admit that it violated the cited standards for any litigation or purpose other than proceedings under the Hawaii Occupational Safety and Health Law.

DATED: Honolulu, Hawaii, March 18, 2004.


DTB CONSTRUCTION CONSULTANTS, INC.

By:   
DENNIS T. BAKER  
Its President

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BRIAN G.S. CHOY  
Attorney for Respondent

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ROBYN M. KUWABE  
Deputy Attorney General  
Attorney for Director of Labor and  
Industrial Relations, State of Hawaii

DIRECTOR OF LABOR AND  
INDUSTRIAL RELATIONS

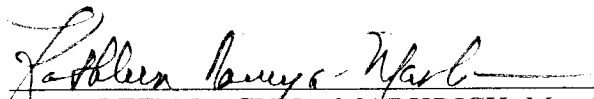
  
\_\_\_\_\_  
NELSON B. BEFITEL

APPROVED AND SO ORDERED BY  
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 90

  
BRIAN K. NAKAMURA, Chairman

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN RACUYA-MARKRICH, Member

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*Director, Department of Labor and Industrial Relations v. DTB Construction Consultants, Inc.,*  
Case No. OSH 2003-20, Inspection No. 306261124 - Stipulation and Settlement Agreement